

Chapter 9-03

DITCHES AND CULVERTS

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Section 9-03-01 CULVERTS

It is hereby made the duty of any person who runs any water for irrigation or for any other purpose, across any of the streets or alleys within the City to construct and keep in repair a good and substantial culvert or bridge of sufficient capacity for carrying all water so run, and to cover such culvert or bridge the entire distance where the same crosses the streets or alleys. (1922 Code, Sec. 215; 1936 Code, Sec. 10-401; 1952 Code, Sec. 14-301)

All ditches or culverts, hereafter constructed for the purpose of running water across any of the streets of the City, shall be constructed at the places and as directed by the Commissioner of Public Works, and as specified herein. (1922 Code, Sec. 216; 1936 Code, Sec. 10-403; 1952 Code, Sec. 14-302)

Section 9-03-02 NOTICE TO REPAIR

If any person running water across any of the streets or alleys within the City shall, after twenty-four (24) hours' notice given by the Commissioner of Public Works to construct or repair the culvert or bridge mentioned in such notice, fails to prosecute the work of constructing or repairing said culvert or bridge to an immediate finish, he shall be deemed guilty of a misdemeanor. (1922 Code, Sec. 217; 1936 Code, Sec. 10-404; 1952 Code, Sec. 14-303)

Section 9-03-03 LIABILITY; REPAIR

When any ditch or culvert crossing any street is owned or used by several persons, each person shall be severally liable for any neglect, refusal or failure to so construct, cover or repair after the notice given as provided in Section 9-3-2. (1922 Code, Sec. 218; 1936 Code, Sec. 10-405; 1952 Code, Sec. 14-304)

Section 9-03-04 DISCONTINUANCE

It is hereby declared that if any ditch or culvert, crossing or within the boundaries of any streets of the City, shall not be kept in good repair, as required in Section 9-3-1, the Mayor and Council may, after notice has been given, order such ditch or culvert to be filled and discontinued, and the owner of such ditch or culvert will be liable to the City for the expense of filling the same. (1922 Code, Sec. 219; 1936 Code, Sec. 10-406; 1952 Code, Sec. 14-305)

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Section 9-03-05SURPLUS WATER

It shall be the duty of any person that sells water for irrigation purposes to provide and construct sufficient ditches and outlets to convey and carry off all the surplus water from their respective ditches, and any person failing to construct such necessary ditches or outlets, after notice being given, shall be liable to a fine for each and every day so neglecting, after the expiration of ten (10) days' notice, and costs of suit. (1922 Code, Sec. 220; 1936 Code, Sec. 10-407; 1952 Code, Sec. 14-306)

Section 9-03-06OVERFLOW ON STREETS

Any person who causes or permits any water used by him for the purpose of irrigation or any other purpose to flow into or upon any public street or alley in any manner, not authorized by law, is guilty of a misdemeanor. (1922 Code, Sec. 223; 1936 Code, Sec. 10-410; 1952 Code, Sec. 14-309)

Section 9-03-07COMPLAINT

It is hereby made the duty of the Commissioner of Public Works to make complaint before the Magistrate for all violations of Section 9-3-6 whenever he shall have knowledge thereof. (1922 Code, Sec. 224; 1936 Code, Sec. 10-411; 1952 Code, Sec. 14-310)

Section 9-03-08HEADGATES

Any person taking water for irrigation purposes from a street gutter or irrigating ditch in any street or alley shall, before taking said water, construct or cause to be constructed, a substantial and sufficient headgate for the proper measurement of water when taken from the street, alley or irrigating ditch.

Each person so constructing a headgate shall place the same at his separate point of diversion, and it shall only serve for his individual use; provided, that any person taking water under the lot system shall not be required to observe the provisions of this Section. (1922 Code, Sec. 221; 1936 Code, Sec. 10-408; 1952 Code, Sec. 14-307)

Any person conducting water from any gutter or irrigating ditch in the City except as provided in this Section, and any person obstructing the flow of water in any street gutter, or irrigating ditch in any street or alley by constructing therein any earth dam or otherwise except by consent of the Commissioner of Public Works, shall be deemed guilty of a misdemeanor. (1922 Code, Sec. 222; 1936 Code, Sec. 10-409; 1952 Code, Sec. 14-307)

Section 9-03-09MEASURING DEVICES

Every person conducting water from any street gutter, lateral or irrigating ditch owned or controlled by Boise City, to private property for irrigating purposes under and by virtue of any contract with the owners of the main ditch, through which said City gutters, laterals and irrigating ditches derive their water supply and in which contract it is provided that the person so using such water shall pay for the same by the inch measurement, shall cause to be placed at their own expense at the point of diversion of such water, a weir or other suitable measuring device for the purpose of correctly measuring the amount of water to which such person is entitled under such contract; and no person shall divert more water than the amount to which he or she is justly entitled under the terms of their contract with the

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owners of the main ditch from which said water supply is derived. (1922 Code, Sec. 225; 1936 Code, Sec. 10-412; 1952 Code, Sec. 14-311)

Section 9-03-10PENALTY

Any person who shall divert water from any gutter, lateral or irrigating ditch owned or controlled by Boise City without the consent of the owners of the main ditch through which such gutters, laterals or irrigating ditches derive their water supply, or any person who diverts water from any gutter, lateral or irrigating ditch, owned or controlled by Boise City, under and by virtue of a contract with the owners of the main ditch through which said gutters, laterals or irrigating ditches derive their water supply, in which contract it is provided that the water so diverted shall be paid for by the inch measurement, who fails or refuses to place at the point of diversion a weir or other suitable measuring device, as provided in the preceding Section for the measurement of the water taken, or who takes more water than he is justly entitled to under the terms of his contract with the owners of the main ditch from which the supply of water is derived, shall, after twenty-four (24) hours' notice given him by the Chief of Police or Commissioner of Public Works to refrain from diverting more water than he is entitled to under the terms of his contract with the owners of the main ditch, be deemed guilty of a misdemeanor. (1922 Code, Sec. 226; 1936 Code, Sec. 10-413; 1952 Code, Sec. 14-312)